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By: Delegate Donoghue Introduced and read first time: February 6, 2004

Assigned to: Health and Government Operations

Committee Report: Favorable House action: Adopted

Read second time: March 27, 2004

CHAPTER

1 AN ACT concerning

2 **Board of Physical Therapy Examiners**

- 3 FOR the purpose of adding the position of vice chairman to the Board of Physical
- Therapy Examiners; providing for the appointment and duties of the vice 4
- 5 chairman; altering the circumstances under which the Board may disclose
- information contained in the Board's records; authorizing the Board to disclose 6
- information to certain boards under certain circumstances; providing that the 7
- 8 Board may authorize the practice of physical therapy by an unlicensed
- individual under certain circumstances and with certain limitations; altering 9
- 10 the requirements for licensure of certain applicants; amending the required
- frequency of onsite supervision for certain licensed physical therapist 11
- 12 assistants; altering the circumstances in which the Board may discipline certain
- licensees; authorizing certain individuals to file exceptions to the decision of a 13
- 14 disciplining committee; amending certain penalties to include imprisonment
- 15 and an increased maximum fine; authorizing a civil fine of a certain amount to
- 16 be levied on certain persons; providing for the distribution of the civil fine;
- 17 amending and clarifying certain definitions; and generally relating to the Board
- 18 of Physical Therapy Examiners.
- 19 BY repealing and reenacting, with amendments,
- Article Health Occupations 20
- Section 13-101, 13-203, 13-207.1, 13-301, 13-303, 13-310, 13-316, 13-317, 21
- 22 and 13-407
- 23 Annotated Code of Maryland
- 24 (2000 Replacement Volume and 2003 Supplement)
- SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 25
- 26 MARYLAND, That the Laws of Maryland read as follows:

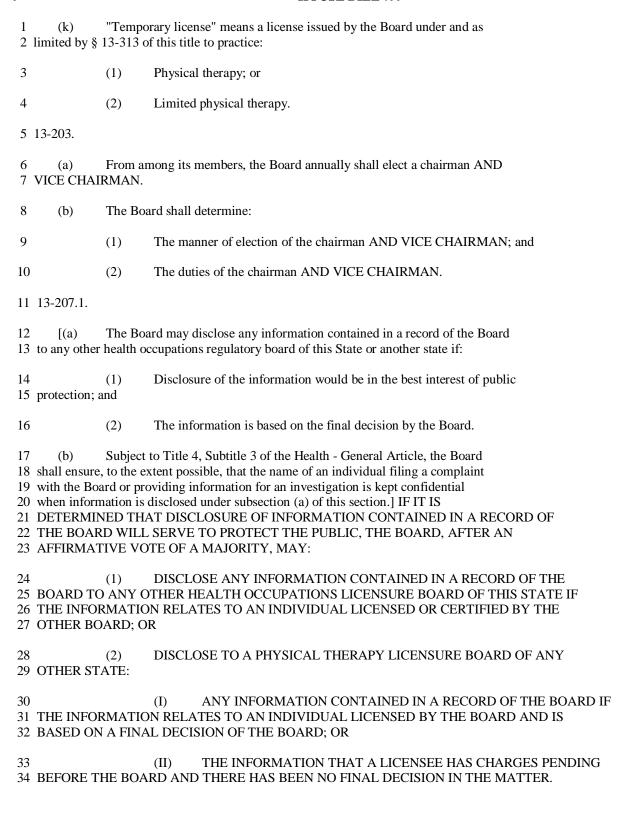
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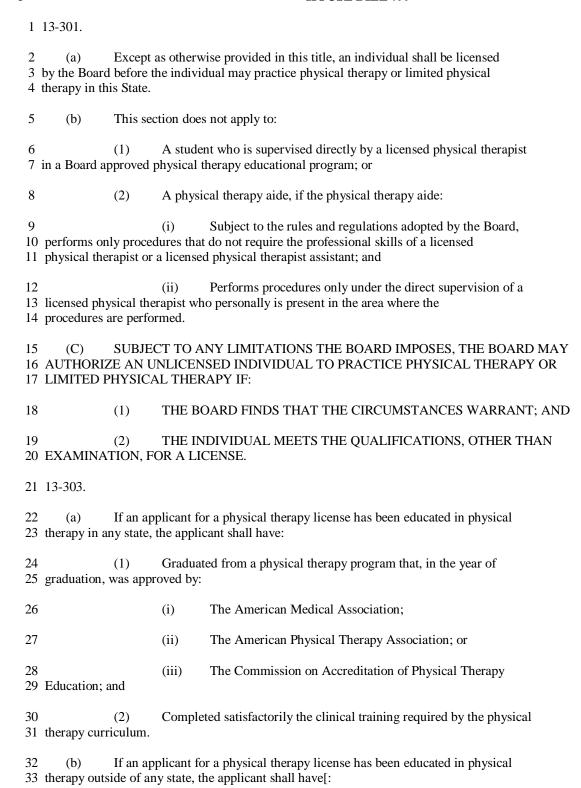
(3)

1 **Article - Health Occupations** 2 13-101. 3 (a) In this title the following words have the meanings indicated. 4 "Board" means the State Board of Physical Therapy Examiners. (b) 5 "License" means, unless the context requires otherwise, a license issued by (c) 6 the Board to practice: 7 Physical therapy; or (1) 8 (2) Limited physical therapy. 9 (d) "Licensed physical therapist" means, unless the context requires 10 otherwise, a physical therapist who is licensed by the Board to practice physical 11 therapy. 12 "Licensed physical therapist assistant" means, unless the context requires (e) 13 otherwise, a physical therapist assistant who is licensed by the Board to practice 14 limited physical therapy. "Physical therapist" means an individual, licensed by the State Board of 15 16 Physical Therapy Examiners, who practices physical therapy and who has passed the 17 national physical therapy licensing examination administered or accepted by the 18 Board. 19 "Physical therapist assistant" means an individual who practices limited (g) 20 physical therapy and who has passed the national physical therapy licensing 21 examination administered or accepted by the Board. 22 "Practice limited physical therapy" means to practice the health 23 specialty concerned with: The prevention of disability in [individuals] PATIENTS OR 24 (i) 25 CLIENTS; and The physical rehabilitation of [individuals] PATIENTS OR 26 (ii) 27 CLIENTS with a congenital or acquired disability. "Practice limited physical therapy" includes, except as provided in 28 29 paragraph (3) of this subsection[, administering]: 30 (I) TAKING AND DOCUMENTING MEASUREMENTS: AND ADMINISTERING treatment with therapeutic exercise, 31 (II)32 therapeutic massage, mechanical devices, or therapeutic agents that use the physical, 33 chemical, or other properties of air, water, electricity, sound, or radiant energy.

"Practice limited physical therapy" does not include:

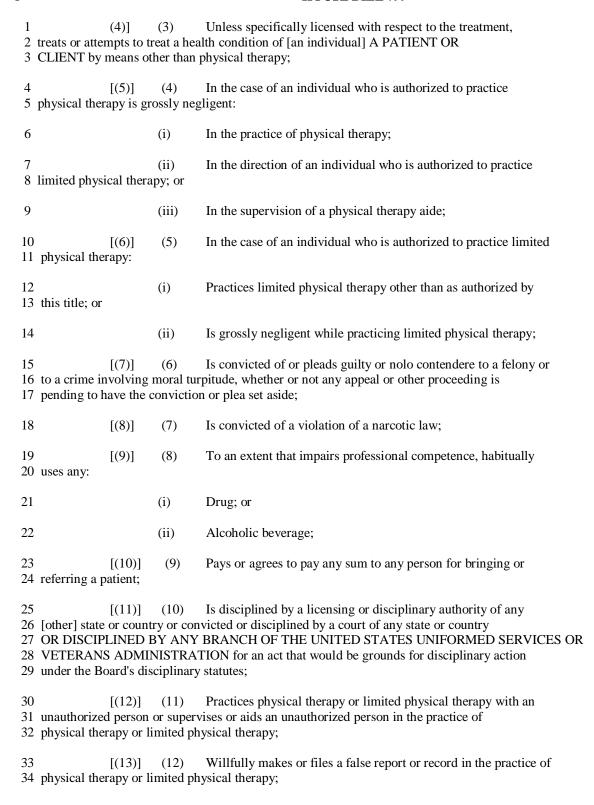
	neuromuscular and m MEASUREMENTS;	(i) usculoske	[Performing and interpreting tests and measurements of eletal functions to aid treatment] INTERPRETING
4 5	or	(ii)	Planning treatment programs [that are based on test findings]
6		(iii)	Using:
7			1. X rays;
8			2. Radioactive substances; or
9			3. Electricity for cauterization or surgery.
10 11	(i) (1) concerned with:	"Practice	e physical therapy" means to practice the health specialty
12 13	CLIENTS; and	(i)	The prevention of disability in [individuals] PATIENTS OR
14 15	CLIENTS with a con	(ii) genital or	The physical rehabilitation of [individuals] PATIENTS OR racquired disability.
16	(2)	"Practice	e physical therapy" includes:
17 18	[individuals] PATIEN		Performing an evaluation of the physical therapy needs of CLIENTS;
19 20	neuromuscular and m	(ii) usculosk	Performing and interpreting tests and measurements of eletal functions to aid treatment;
21 22	and	(iii)	Planning treatment programs that are based on test findings;
25		c agents	Except as provided in paragraph (3) of this subsection, herapeutic exercise, therapeutic massage, mechanical that use the physical, chemical, or other properties of or radiant energy.
27	(3)	"Practice	e physical therapy" does not include using:
28		(i)	X rays;
29		(ii)	Radioactive substances; or
30		(iii)	Electricity for cauterization or surgery.
31 32			se" means a license issued by the Board under and as e to practice physical therapy.





1 (1) Earned all credits at an institution of higher learning that has] 2 GRADUATED FROM A PHYSICAL THERAPY PROGRAM THAT IN THE YEAR OF 3 GRADUATION HAD educational requirements equivalent to a [bachelor's] degree in 4 physical therapy from a United States program accredited by the Commission on 5 Accreditation of Physical Therapy Education[;				
6	(2)	Earned	a minimu	nm of 120 credit hours in the following manner:
7 8 course in:		(i)	50 credi	it hours in general education to include at least one
9			1.	Humanities;
10			2.	Social science;
11			3.	Behavioral science;
12			4.	Physics with a laboratory;
13			5.	Chemistry with a laboratory;
14			6.	Biology with a laboratory; and
15			7.	Mathematics;
16 17 include at le	east one o	(ii) course in:	60 credi	it hours in a professional physical therapy program to
18			1.	Human anatomy;
19			2.	Human physiology;
20			3.	Neurology;
21			4.	Physiology;
22			5.	Functional anatomy;
23			6.	Kinesiology;
24			7.	Orthopedics;
25			8.	Pediatrics;
26			9.	Geriatrics;
27			10.	Physical agents;
28			11.	Musculoskeletal assessment and treatment;
29			12.	Neuromuscular assessment and treatment; and

1				13.	Cardiopulmonary assessment and treatment; and
2			(iii)	10 credi	t hours as electives in general or professional education;
3	hours; and	(3)	Comple	ted at lea	st two clinical affiliations totaling at least 800
5 6	Board].	(4)	Complet	ted a pred	ceptorship that fulfills the requirements set by the
7 8	(c) waive the pre				licensed in any other state, the Board may
9	13-310.				
	` /				of this section, a physical therapist assistant ce limited physical therapy while the license is
15		under thou	e direction pervision	on of a lic	pist assistant may practice limited physical censed physical therapist who gives [periodic] ruction that is adequate to ensure the safety and
17	13-316.				
20 21 22	deny a licen any licensee or holder of	se, tempo or holde a tempor	orary lices r of a tent ary licent	nse, or re nporary li se or rest	f § 13-317 of this subtitle, the Board may stricted license to any applicant, reprimand scense or restricted license, place any licensee ricted license on probation, or suspend or restricted license if the applicant, licensee, or
		(1) cense, or			leceptively obtains or attempts to obtain a license, for the applicant, licensee, or holder or for
27 28	restricted lic	(2) eense;	Fraudule	ently or d	leceptively uses a license, temporary license, or
29 30	of:	[(3)	Practice	s physica	l therapy inconsistent with any written or oral order
31			(i)	A physic	cian authorized to practice medicine in any state;
32			(ii)	A dentis	st authorized to practice dentistry in any state; or
33			(iii)	A podia	trist authorized to practice podiatry in any state;



		structs tl	Willfully fails to file or record any report as required by law, he filing or recording of the report, or induces another t;
4	[(15)]	(14)	Submits a false statement to collect a fee;
5 6	[(16)] by the Board;	(15)	Violates any provision of this title or rule or regulation adopted
7 8			Uses or promotes or causes the use of any misleading, deceiving, promotional literature, or testimonial;
9	[(18)]	(17)	Is professionally, physically, or mentally incompetent;
10 11	E\ /3		Promotes the sale of devices, appliances, or goods to a patient apparent of CLIENT for financial gain;
12 13	2 [(20)] o 3 physical therapy or lim		Commits an act of unprofessional conduct in the practice of vsical therapy;
14	[(21)]	(20)	Grossly overutilizes health care services;
15 16	5 [(22)] 6 Insurance Article;	(21)	Is convicted under insurance fraud as defined in § 27-801 of the
19	3 individual] A PATIEN	T OR C licensee	Refuses, withholds from, denies, or discriminates against [an LIENT with regard to the provision of professional is licensed and qualified to render because the IENT is HIV positive;
21	[(24)]	(23)	Provides professional services while:
22	2 (i)	Under the influence of alcohol; or
	defined in § 5-101 of the	he Crimi	Using any narcotic or controlled dangerous substance, as inal Law Article, or other drug that is in excess of t valid medical indication;
26 27	5 [(25)] 6 7 a lawful investigation of		Willfully and without legal justification, fails to cooperate with ed by the Board; or
28 29	3 [(26)] or limited physical ther		Fails to meet accepted standards in delivering physical therapy e.
30) 13-317.		
33	2 the Board takes any act	tion und	se provided in the Administrative Procedure Act, before er § 13-316 of this subtitle, it shall give the individual templated an opportunity for a hearing before the

30

31 October 1, 2004.

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1 (b) The Board shall give notice and hold the hearing in accordance with the 2 Administrative Procedure Act. 3 (c) The individual may be represented at the hearing by counsel. 4 The chairman of the Board may delegate authority to conduct a (d) (1) 5 hearing to a committee consisting of three or more Board members. The committee shall: 6 (2) 7 (i) Hold an evidentiary hearing; and (ii) Prepare a recommended decision for consideration by a quorum 9 of the Board, which may include members of the committee. The committee shall give [to the individual who is the subject of the 11 hearing notice of EACH PARTY the opportunity to file exceptions and present 12 argument to the Board regarding the decision of the committee. 13 Over the signature of an officer or the executive director of the Board, the 14 Board may issue subpoenas and administer oaths in connection with any 15 investigation under this title and any hearings or proceedings before it. If, without lawful excuse, a person disobeys a subpoena from the Board or 16 17 an order by the Board to take an oath or to testify or answer a question, then, on 18 petition of the Board, a court of competent jurisdiction may punish the person as for 19 contempt of court. 20 If after due notice the individual against whom the action is contemplated (g) 21 fails or refuses to appear, nevertheless the Board may hear and determine the matter. 22 13-407. 23 A person who violates any provision of this title is guilty of a misdemeanor 24 and on conviction is subject to a fine not exceeding [\$1,000] \$5,000 OR 25 IMPRISONMENT NOT EXCEEDING 3 YEARS OR BOTH. ANY PERSON WHO VIOLATES § 13-401 OF THIS SUBTITLE IS SUBJECT 26 (B) (1) 27 TO A CIVIL FINE OF NOT MORE THAN \$50,000 TO BE ASSESSED BY THE BOARD.

THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS

29 SUBSECTION INTO THE STATE BOARD OF PHYSICAL THERAPY EXAMINERS FUND.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect